

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

TIMOTHY A. ANDERSON,)
)
Plaintiff,)
)
-vs-) Case No. CIV-06-358-F
)
LT. MARK BRUNING, et al.,)
)
Defendants.)

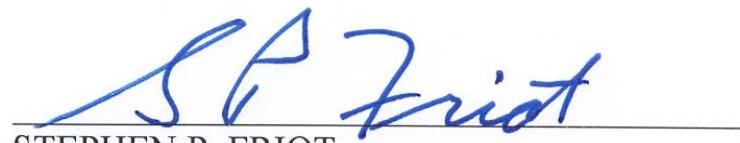
O R D E R

On June 28, 2006, United States Magistrate Judge Gary M. Purcell issued a Report and Recommendation, wherein he recommended that all of plaintiff's claims in this 42 U.S.C. § 1983 action, except for plaintiff's claim of unconstitutional force during plaintiff's arrest and booking process against defendant Bruning and unidentified "police officers," be dismissed without prejudice for failure to state a claim for relief pursuant to 28 U.S.C. § 1915A(b) and/or as premature pursuant to Heck v. Humphrey, 512 U.S. 477 (1994). Magistrate Judge Purcell specifically advised plaintiff of his right to file an objection to the Report and Recommendation by July 18, 2006. To date, no objection has been filed, and no request for an extension of time to file an objection has been filed. With no objection being filed by plaintiff, the court accepts, adopts, and affirms the Report and Recommendation in its entirety.

Accordingly, the Report and Recommendation issued by United States Magistrate Judge Gary M. Purcell on June 28, 2006 (doc. no. 22) is **ACCEPTED**, **ADOPTED**, and **AFFIRMED**. All of plaintiff's claims in this 42 U.S.C. § 1983 action, except for plaintiff's claim of unconstitutional force during plaintiff's arrest

and booking process against defendant Bruning and the unidentified "police officers," are **DISMISSED WITHOUT PREJUDICE** for failure to state a claim for relief pursuant to 28 U.S.C. § 1915A(b) and/or as premature pursuant to Heck v. Humphrey, 512 U.S. 477 (1994). This action remains referred to Magistrate Judge Purcell.

DATED August 3, 2006.



STEPHEN P. FRIOT
UNITED STATES DISTRICT JUDGE

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